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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

07 Civ. 8849 (PKC)

-against-

ORDER


COLONIAL INVESTMENT MANAGEMENT
LLC, COLONIAL FUND LLC, and CARY G.
BRODY,

Defendants.
-----X

P. KEVIN CASTEL, District Judge:

On January 15, 2009, plaintiff moved in limine for an order permitting plaintiff to introduce certain evidence at trial pursuant to Rule 404(b), Fed. R. Civ. P. (Doc. #36.) At a conference on the record held on February 20, 2009, the Court denied the motion without prejudice. (Doc. #46 (transcript of proceedings) at 10:20-25, 11:1-15.) The Court explained that plaintiff may introduce the disputed evidence and that defendants may, at that time, make arguments regarding whether and to what extent the evidence should be considered by the Court. (Id.)

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
April 27, 2009